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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 442/2023**

SHIV AMBARDAR & ANR.

.... Petitioner

Through: Mr. Mohit Mathur, Sr. Advocate with
Mr. Rajendra, Advocate.

versus

STATE (GOVT. OF NCT OF DELHI) AND ORS. Respondent

Through: Mr. Sanjay Lao, Standing Counsel
for the State with Ms. Priyam
Agarwal, Advocate and with Insp.
Dharmendra Kumar, PS Preet Vihar.
Mr. Shobhana Takiar, Standing
Counsel for DDA/R-3 along with Mr.
Kuljeet Singh, Advocate.
Mr. Mandeep Singh, Ms. Anjali
Sharma and Mr. Deepak, Advocates
for R-5.

CORAM:

HON'BLE MR. JUSTICE RAJNISH BHATNAGAR

ORDER

13.03.2023

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CRL.M.A. 4097/2023

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P.(CRL) 442/2023

3. The present petition has been filed under Article 226/227 of the Constitution of India read with Section 482 Cr.P.C. by the petitioner with the following prayers:-



*“a) Direct the respondent No.2 (DCP, East Dist., Delhi Police) for taking cognizance of the various complaints preferred by the petitioners dated 21.08.2020 (Annexure P-6) against C.J. Infrastructure Pvt. Ltd. (Builder) i.e. Respondent NO.5 ;
(b) To initiate investigation by an Independent Investigating agency CBI (Central Bureau of Investigation) & further to conduct investigation into entire 'C.J. Infrastructure Pvt. Ltd.' Records;
(c) Monitor the investigation of the case and further direct Respondent No.4 to submit periodic reports before this Hon'ble Court ;
(d) Monitor the investigation qua complaint dated 21.08.2020 (Annexure P-6) and further, direct Respondent Nos. 1 and 2 to submit periodic progress reports before this Hon'ble Court;
(e) direct respondent No.3 (DDA) to file criminal complaint against Respondent NO.5 ;
(f) direct respondent-No.3 respondent No.6 & respondent No.7 to submit the Maps, / Permissions and records of 'C.J. Infrastructure Pvt. Ltd.' as submitted to obtain false permissions & COC
(g) Pass any such order (s) / direction (s) as may deem fit and proper in the interest of justice.*

4. It is submitted by learned senior counsel appearing for the petitioner that respondent no. 5 who is the builder has committed forgery and had shown forged site plans to the petitioners and contended that they are duly sanctioned plans. Learned senior counsel has drawn the attention of this Court to the written statement filed by the DDA/Respondent no.3 in RERA, NCT, and has stressed on the para no. 3 of the said written statement which reads as follows:-

“3. This office has not issued any Completion/ Occupancy certificate till date. The premise is found preoccupied at the time of site inspection. Therefore, due penalties as mentioned in Annexure-IV of UBBL-2016 shall be imposed before issuance of Completion cum Occupancy Certificate.(copy enclosed).”



5. Issue notice. Learned counsels on behalf of Respondent no. 1, 3 and 5 appear on advance notice and accept notice. They seek time to file reply/counter affidavit.
6. Let the same be filed before the next date of hearing.
7. List on 7th July 2023.

RAJNISH BHATNAGAR, J

MARCH 13, 2023

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